

FILED

February 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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2 Attorney at Law
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FAX - FILED

FEB 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ATTORNEY FOR RESPONDENT

IN THE SUPREME COURT OF THE STATE OF MONTANA

7 IN RE THE PARENTING OF,
8 D.N.S. A MINOR,

Cause No.: DA 09-0521

9 ASHLEY N. WATERS,

10 Petitioner and Appellee,

11 and

12 CLAUDE DANIEL SMITH,

13 Respondent and Appellant.

**MOTION TO EXTEND
BRIEFING DEADLINE**

FILED

FEB 17 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

14 COMES NOW the Appellant (Mr. Smith) herein, by and through the undersigned, and
15 moves the Court to extend the briefing deadline in this matter.

16 The basis for this motion is that the undersigned has taken longer to prepare this brief
17 than he originally planned.

18 The undersigned believes that a ten (10) day extension, which would move the new
19 deadline to February 25, 2010, will suffice.

20 The undersigned's office attempted to contact opposing counsel, but since he is out of the
21 office until February 17, 2010, was unable to ascertain his position.

22 Dated this 16 day of February, 2010.

23
24 Jeremy S. Yellin, Esq.
25 Attorney for Appellant
26
27
28

Certificate of Service

I hereby certify that on the 16th day of February, 2010, I;

☒ Mailed

☐ Hand-delivered

☒ Faxed

a copy of the forgoing document to the following:

Clerk of Montana Supreme Court
Ed Smith
Room 323, Justice Building- 215 North Sanders
P.O. Box 203003
Helena, Montana 59620-3003
FACSIMILE: (406) 444-5705

Terrance L. Toavs
Law Offices of Terrance L. Toavs
429 2nd Avenue South
Wolf Point, MT 59201
FACSIMILE: (406) 653-1665

I hereby certify that on the 16th day of February, 2010, I;

☒ Mailed

☐ Hand-delivered

☐ Faxed

a copy of the forgoing document to the following:

Claude Daniel Smith
40122 Dellwo Road
Charlo, MT 59824


Beth K. Hannah

1 Jeremy S. Yelling, Esq.
Attorney at Law
2 P.O. Box 564
Havre, MT 59501
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4 ATTORNEY FOR RESPONDENT
5
6
7

8 **IN THE SUPREME COURT OF THE STATE OF MONTANA**

9 IN RE THE PARENTING OF,
D.N.S. A MINOR,

Cause No.: DA 09-0521

10 ASHLEY N. WATERS,

11 Petitioner and Appellee,

12 and

13 CLAUDE DANIEL SMITH,

14 Respondent and Appellant.

**AFFIDAVIT IN SUPPORT
OF MOTION TO EXTEND**

15 STATE OF MONTANA)

16 County of Hill)

ss.

17 I, Jeremy S. Yellin, after being duly sworn, upon my oath, do depose and say as follows:

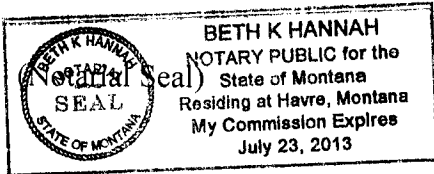
- 18 1. That your affiant has been unable to prepare a brief in this matter;
- 19 2. That your affiant believed he would have sufficient time to prepare and file said
20 brief by February 16, 2010 (the filing date was February 15, 2010, but due to a
21 holiday, it is February 16, 2010);
- 22 3. That recently your affiant realized that it will take longer than he originally
23 expected to prepare the brief;
- 24 4. That because of these factors, your affiant is unable to prepare a brief by the
25 deadline;
- 26 5. That your affiant believes that a new deadline ten (10) days to February 25, 2010,
27 is sufficient; and
28

6. FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 10th day of February, 2010.

Jeremy S. Yellin, Esq.

SUBSCRIBED AND SWORN to before me this 10th day of February, 2010.



Beth K Hannah
Notary Public for the State of Montana.
Printed Name Beth K Hannah
Residing at Havre MT
My commission expires: 07/23/13